The motion that leave be granted to the introduction of the Bil was then put and carried.

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## RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

**DEPUTY PRESIDENT**: We now proceed to the discussion of the resolutions. Mr. Janardana Kamath may move his resolution.

**MR. M. K. JANARDANA KAMATH** (*Commerce and Industry, North*): Sir, I move the following resolution :—

*"This Assembly recommends to the Government that the fee payable under the Court Fee Regulation may be reduced by 50 per cent. in view of the wide-spread economic depression".*

ഇപ്രകാരം ഒരു പ്രമേയം അവതരിപ്പിക്കുന്നതിനുള്ള കാരണം ഇപ്പോഴത്തെ സാമ്പത്തികാധഃപതനംകൊണ്ട് ജനങ്ങൾ പലവിധത്തിൽ ഉള്ള കഷ്ടതകൾ അനുഭവിച്ചുവരുന്നു എന്നുള്ളതാകുന്നു. ജനങ്ങളുടെ കഷ്ടതകളേയും ധനസ്ഥിതിയേയുംപറ്റി ഈസഭയിൽ പലഅവസരങ്ങളിലും പലരുംപ്രസ്താവിച്ചുകഴിഞ്ഞിട്ടുണ്ട്. ഭൂമിയിൽ ഉണ്ടാകുന്നവിളവും അതിനുകിട്ടുന്നവിലയും വളരെകുറവാണ്. തൻമൂലം കൃഷിക്കാർക്ക് അവരുടെ നിത്യതകഴിച്ചുകൂട്ടാൻപോലും വളരെ വിഷമം ഉണ്ടാകുന്നുണ്ട്. അതുപോലെതന്നെ കച്ചവടക്കാരും കഷ്ടപ്പെടുന്നു. കടംകൊടുക്കാതെ കച്ചവടം നടക്കുന്നതല്ലാ. കടം കൊടുത്താൽ അതായതു ഗഡുവിൽ പിരിഞ്ഞുകിട്ടുകയുമില്ല. അതോടുകൂടി കച്ചവടത്തിന്റെ അഭിവൃദ്ധി കുറഞ്ഞുവരികയും കച്ചവടം കഴുപ്പത്തിലാവുകയും ചെയ്യും. സിവിൽകോടതികളിൽ അയയ്പാപിക്കുന്ന ഭൂരിപക്ഷം കക്ഷികളും ഈ തരത്തിൽ വലയുന്ന കൃഷിക്കാരും കച്ചവടക്കാരുമാണ്. അവർക്കുണ്ടാകുന്ന കഷ്ടതകളിൽനിന്നും അവരെ രക്ഷിക്കേണ്ടതു ഗവണ്മെൻറിന്റെ ഒഴിച്ചുവയ്ക്കുവാൻ പാടില്ലാത്ത കടമയാണെന്ന് ഞാൻ ഗവണ്മെൻറിനെ ഉൽബോധിപ്പിച്ചുകൊള്ളുന്നു.

കൃഷിക്കാരോടു ഭൂനികുതിയും കച്ചവടക്കാരോടു ആദായനികുതിയും ഈടാക്കുന്ന വിഷയത്തിൽ ഗവണ്മെൻറു യാതൊരു ദാക്ഷിണ്യവും കാണിക്കാതെ ഈടാക്കിവരുന്നു.

ഇപ്പോൾ നടപ്പിൽ ഇരിക്കുന്ന കോർട്ട്ഫീസ് റഗുലേഷൻ ഉദ്ദേശം 25 കൊല്ലം മുമ്പ് ഉണ്ടാക്കിയിട്ടുള്ളതാണ്. അന്നത്തെ സാമ്പത്തികനില അനുസരിച്ചാണ് അന്ന് ഈ റഗുലേഷൻ ഉണ്ടാക്കപ്പെട്ടത്. ഇന്നത്തെ നില അന്നത്തേതിൽ നിന്നും വളരെ വ്യത്യസ്തപ്പെട്ടതാണ്.

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അതുകൊണ്ട് അന്നനിശ്ചയിച്ചിരുന്ന 'scale of' കോട്ട്ഫീസ് ഇപ്പോഴത്തെ സാമ്പത്തികനില അനുസരിച്ച് ഒന്ന് ഭേദപ്പെടുത്തേണ്ടതാണെന്നാണ് എന്റെ അഭിപ്രായം.

കടംകൊടുക്കുന്നതായ പണം ഈടാകാത്തതുകൊണ്ട്, അന്യായം ഫയലാക്കേണ്ടിവരുന്നു. അതിന് കോട്ട്ഫീസ് എന്നും വക്കീൽഫീസ് എന്നും മറ്റും പലതരത്തിലുള്ള ആവശ്യവും അനാവശ്യവുമായ ധാരാളം ചിലവുകളുണ്ട്. ഇപ്രകാരം ഉള്ള ഇടകടം ചിലവാക്കിയാൽതന്നെയും കക്ഷികൾക്കു യാതൊരുറപ്പും തൽക്കാലം കിട്ടുന്നുമില്ല. കോടതിയിൽ കേസ് ഫയൽ ചെയ്താൽ അതു തീരുമാനിച്ച ഡിക്രി പാസ്സാകുന്നതിനുതന്നെ വളരെ കാലതാമസവും പ്രയാസവും വേണ്ടിവരുന്നു. അഥവാ ഡിക്രി പാസായാൽതന്നെയും വിധിനടത്തി പണം വസൂലാക്കുന്നകാര്യം വളരെ പ്രയാസംതന്നെ.

**DEPUTY PRESIDENT**: That is not relevant.

**Mr. M. K. JANARDANA KAMATH** (*Commerce and Industry, North*): It is, Sir, because—

**DEPUTY PRESIDENT**: No ; because the decree takes time to execute that has nothing to do with the reduction of court fee.

**Mr. M. K. JANARDANA KAMATH** (*Commerce and Industry, North*): ഡിക്രികടം ശരിയായി സമ്പാദിക്കാൻതന്നെ വളരെ വിഷമമുണ്ടെന്നാണ് ഞാൻ പറയുന്നത്.

അതുകൊണ്ട് ജനങ്ങളുടെ ധനസ്ഥിതിയെ പരിഗണിച്ച് അവരുടെ തൽക്കാല രക്ഷയ്ക്കായി എല്ലാ കോട്ട്ഫീസും ഇപ്പോൾ നടപ്പിലിരിക്കുന്നതിൽനിന്നും ൫൦ ശതമാനം കുറയ്ക്കുണമെന്നുള്ള അപേക്ഷയോടുകൂടി ഈ പ്രമേയം സഭയുടെ ഗാഢമായ ആലോചനക്കായി സമർപ്പിച്ചുകൊള്ളുന്നു.

**Mr. P. CHIDAMBARAM PILLAI** (*Commerce and Industry, South*) ; I rise to support the motion. Firstly, speaking as a commerce member, I find there is considerable sympathy shown by Government to the agriculturists but not to merchants and bankers in Travancore. Recently a Royal Proclamation was enacted by which all insolvents in Travancore could be in a very comfortable position. The relief granted to the ryots is good, but, as one member said some time back, this was a very clever attempt made by Government to see that the merchants and bankers are not enabled to realise their dues while the Government could extremely be prompt in realising their own dues. (*Laughter*). Of course I fully realise that the Government must be carried on even at the risk of losing all the trade and commerce available in the country.

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There is an impression here that the agriculturists in the country are always weeping and crying and are in a miserable condition. I do not hold that opinion. My view of the matter is that he is quite a cheerful fellow, always industrious: if he gets some paddy out of his fields, he is quite happy. Even if he does not, he is prepared to borrow any amount of money from anywhere for raising his crops.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Heal Sirkar Vakil*): Are there people to give money?

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): That is the only question.

DEPUTY PRESIDENT: That has no connection with the motion under discussion.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): I am only representing the hardships of the merchants. The whole trouble arises because of lending money to agriculturists. There is a section of opinion here and elsewhere that the money-lender is a very bad fellow. As a matter of fact, he is the greatest blessing to the country. Without the money-lender, nobody could get on. Once we forget about money, the whole fabric of our society falls to the ground; absolutely nothing could take place. Of course more sympathy will be expressed here for the agriculturists than for the poor merchant and the money-lender. But may I read one statement made by a very able and practical businessman and one of the best financiers in India under modern conditions. Sir R. K. Shanmukham Chetty, in his opening address to the Cochin Legislative Council, has observed thus—

> "Economic life of the State mainly depends on an elaborate and delicate mechanism of credit. In the interest of the State and the economic structure of the society, this credit mechanism should be left undisturbed."

I do not know whether I am travelling outside the subject. But, all the same, it may be submitted that there is an impression that Government is doing things behind peoples' back and that everything will be set right by Government. That is a mistake. It will be seen from the budget that our finances are very limited. Not only that, we have to be extremely careful about the finances of the country specially because of the economic depression. Government is the only body who is in a solvent position. It may be compared to a *Tarwad* and the people who are the members of the *Tarwad* are bankrupts. Only the *Karanavan* has got some money in his hands. If the *Tarwad* goes to ruin, the Government will be affected to a large extent. It was stated in the course of the general debate that the agriculturists' debt comes to 25 or 30 or 50 crores of rupees. That is an admitted proposition. But the people expect Government to clear it up. As a matter of fact, it has got only a small cash in hand. It is more or less like expecting that Pechippara Reservoir would irrigate the Sahara desert. That, Sir, is the position. We fully appreciate that Government must be in a solvent position and for international purposes too. But our merchants are very hard hit. There is no relief forthcoming so far as court fee is concerned. For instance, if we take

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suits, we cannot realise the fruits of the decree at all. So, what is the good of filing suits? Secondly, the bankers are hard hit, they are not in a position to realise their moneys. In these circumstances, it is only proper that some relief must be given to the trading communities and added on to that there must be relief to the lawyers also (*Laughter*). I am for reducing the court fee, but my submission is that along with it, at least half of the reduced fee should go to the lawyers. (*Laughter*). Their situation at the same time should be taken into account. We find the bar getting more and more crowded. As a matter of fact, lawyers have to maintain some sort of dignity and status, etc., though it is not necessary to go very minutely into their hardships. Again, there is no system of court fee in England. That is against the principle of taxation. If I were permitted to say, all the court fees now given must be given to the lawyers.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Is there any land-tax in England?

**DEPUTY PRESIDENT**: Of course, Mr. Chidambaram Pillai was only giving sauce to his argument.

**MR. P. CHIDAMBARAM PILLAI** (*Commerce and Industry, South*): In England, there are barristers and solicitors who divide the court fee among themselves. Therefore, in this country also, at the present moment, in view of the economic depression, 50 per cent. of the court fee may be given to the lawyers, only if the Government are going to realise the court fee. Let the merchant, or banker or anybody pay up the full fee; but it shall be divided equitably between Government on the one hand and the lawyer on the other. That will in a way solve the diminished income to lawyers. Therefore I have very great pleasure in supporting the resolution.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Therefore does it not mean that the full fee must be levied?

**MR. P. CHIDAMBARAM PILLAI** (*Commerce and Industry, South*): Yes. If there is an undertaking that half the fee realised would go to the lawyers, I certainly appreciate such a proposition.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Sir, I oppose the resolution. It recommends to the Government that the court fee payable to Government under the Court Fee Regulation may be reduced by 50 per cent. in view of the widespread economic depression. So, the resolution is put on the basis of this depression. What the House has therefore to consider is, what precisely is this economic depression. I would point out that this widespread economic depression is due to the fall in commodity prices, and it has nothing to do with the value of money as such. I illustrate it. If a man has 100 rupees, he is still worth that very same 100 rupees and will remain so tomorrow also. On the other hand, if a man has but 100 cocoanuts or say 100 *paras* of paddy, he will not be worth what he was worth five years ago. To-day, he will be worth only, Rs. 50 though he was worth Rs. 100 five years ago. That fact has to

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be borne in mind conspicuously while we are considering this resolution. Money is in the same condition or even better condition than before, but not the commodities.

But it has also to be borne in mind that court fee is levied in relation to the present day money value of things. Ordinarily speaking, 5 per cent. of the money value is fixed as the court fee. If, for a suit regarding land, you had to pay Rs. 100 formerly, you now pay only Rs. 50 as the value of the land has gone down by, say, one-half. So there is an automatic cutting down of the court fee and nothing has to be specially done on account of this depression. It may be that the court fee is pressing on everybody. But all that I say is that the serious economic depression has nothing to do with it and that no change is called for because of this depression.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Does the member think that the merchants should not be relieved.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes; but not from this taxation of court fees. For the present you have to accept as right the policy enacted in the Court Fee Regulation. The present resolution is based on the economic depression and what is urged is that, in view of the depression, the court fee should be cut down by one-half. The only question before the House is therefore whether the depression has any bearing on the reduction of court fee. If the court fee has been levied with reference to the commodities or with reference to say the acreage of land and not with reference to the money value of it, I can understand the suggestion that court fee should be reduced because the value of commodities has gone down today. Now let us compare for a moment the position of this court fee in British India.

On reference to the court fees levied in British India, it wil be seen that we are in a much better position here. In British India, in suits relating to lands, court fee is levied not on the market value of the land but with reference to the land revenue payable on the land. Land revenue is a fixed money charge and the court fee is levied at a proportion of say 20 times the land revenue or so; thus the court fee is fixed in British India on a fixed basis. In British India, therefore, the same court fee that was being paid 5 years ago has to be paid now also, even though the value of the land has considerably fallen now. But here that is not so. If we had to pay a court fee of Rs. 5 in respect of a suit in regard to land worth Rs. 100 five years ago, we have to pay only Rs. $2\frac{1}{2}$ now, because the market value of the land has now fallen down to say Rs. 50. And it is admitted by everybody that the value of land has gone down.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): But what has the member to say in regard to money suits?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I will come to that.

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MR. A. THANU PILLAI (*Trivandrum—Rural*) : In money suits the same fees has to be paid now as then.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes. But it must be assumed that the man who has got the money is not affected by the depression and therefore he can afford to pay for that which would bring him money, the economic value of which has not gone down at all. However, the question raised is scarcely relevant to the motion now before the House. The motion before the House is that 50 per cent. of the court fee should be remitted *in view of the wide-spread economic depression*. Economic depression has not affected the value of money or money claims. It has affected only the values based on commodity prices as in the case of the value of land.

MR. K. C. ABRAHAM (*Kottayam II*): Does the question of economic depression enter into the payment of court fee?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No, it does not. Perhaps he may request some time to pay.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Is it enough if he pays the court fee after realising the decree amount?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : With regard to the actual payment of court fee, the High Court has been consulted and they have stated that time is being given to those who are not able to pay the court fee forthwith and in a lump.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : Where do they say that?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : In a letter that they have sent. (Reference was made to a file.)

DEPUTY PRESIDENT : I cannot allow any official member to read any portion of a report unless the whole report is made available to the House.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I am only saying that the High Court has stated that, in view of the economic depression, considerable latitude is shown to the litigant public in the matter of allowing time for the payment of court fee whenever applications are made for it.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : Has not the court fee to be paid before the fruits of the decree are realised?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It has to be paid.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Is the latitude shown only by the High Court or by the lower courts as well?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : By the lower courts as well, I think.

Any *bona fide* application for time for the payment of court fees, is favourably considered by the courts. However, this is a different matter. The only question that the House has now to consider is



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whether 50 per cent. court fee should be remitted or not for a particular reason. On this point I say that the economic depression has nothing to do with the court fee that is levied, because it is levied in relation to the present value of the property. Roughly speaking, the court fee is 5 per cent. of the value. With regard to the land the court fee has automatically gone down as already explained. In British India the rate of court fee is not 5 per cent. but it is more than double; it is somewhere 11½ per cent. And yet the court fee has not yet been reduced in British India.

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): Are there not suits the value of which is calculated on a basis other than the market value of the property?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Yes, but there are only very few suits of that nature.

In regard to the effect of this resolution, if it is accepted, I may say that, if court fee is reduced, the public exchequer will lose more than 10 lakhs of rupees That is not a small sum. I am sure the House will agree that it is not right in a matter like this the Government should be asked to forego such a substantial amount. The total income to the State under court fees is about 20 lakhs; and if the resolution is accepted we will be losing 10 lakhs.

It has been suggested that people are unable to pay court fees and hence there is a fall in the number of suits instituted. But the figures relating to the number of suits filed do not support the position. In spite of the economic depression and in spite of the alleged inability to pay court fee, the institution of suits in courts is up to the the old figure. There is no fall in that.

**RAO SAHIB S. PARAMESVARA AIYAR** (*Nominated*): Is that because the suits will become time-barred?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): It may be that. But we see as a matter of fact that the number of suits filed is practically the same as it was five years ago.

**RAO SAHIB S. PARAMESVARA AIYAR** (*Nominated*): But what else will the litigant do? He will have to borrow and file suits; otherwise they will get time-barred?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): But the amount of the court fee comes in the actual fact. So the argument that the litigant does not find money is not a fact. Once it is admitted that the rate of the court fee is still a reasonable figure, then the other question whether the litigant has got the cash or not to make the payment is easily answered by the fact that the number of suits filed now is the same as it was five gears ago.

**MR. N. ABDUR RAHIMAN SAHIB** (*Nominated*): Is there not a fall in the number of suits filed?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*: No I have got the figures with me. The average number of appeals filed in the High Court for the years 1100 to 1104 is 1,618 per

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year. The average per year for the years 1105 to 1109 is 1,669 *i. e.*, slightly more than the average for the preceding five years. Not merely is there no fall but there is even a slight increase in the number of appeals filed in the High Court. It shows, no doubt, that the people, though they may be hard up for money are really alle to pay, and if they are able to pay money why should any sympathy be shown to them? Then again take the case of original suits filed in District Courts. The average per year for the years 1100 to 1104 is 997, while the average for the years 1105 to 1109 is 924. With regard to appeals, the average is 4,342 up to 1104 and 3,950 up to 1109. In Munsiff's Courts, the average number of original suits filed from 1100 to 1104 is 63,490 and the average from 1105 to 1109 is 63,485, or practically the same. Thus, in the number of suits filed in various courts, there is nothing to show that suits are not coming forward as usual,

**MR. K. C. ABRAHAM** (*Kottayam II*): Seeing that the figures are constant and steady, does it not indicate that, in spite of the large volume of increasing business, suits are allowed to drop?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): No; on the other hand I should take exactly the contrary view. From 1105, I think the activities must have fallen. Yet the number of suits has not fallen.

**MR A. THANU PILLAI** (*Trivandrum—Rural*): Are the figures for the previous five years before 1100 with the member?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): No, they are not with me.

**MR. A. THANU PILLAI** (*Trivandrum—Rural*): Is any steady rise kept up when compared to the figures before 1100?

**MR. KAYALAAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Those figures are not with me.

So the argument that suits are not filed, that litigants are finding it difficult to file suits, is not sound.

**MR. K. C. ABRAHAM** (*Kottayam II*): Is there any appreciable difference between the value of commodities at the time when the Court Fee Regulation was passed and now?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): I belive there is. But that does not affect this question because here we are always relating the court fees to the actual market value of the property.

This resolution cannot in the circumstances, be accepted.

**MR. P. K. NARAYANA PILLAI** (*Ambalapuzha I*): Sir, I also beg to support the motion before the House. My friend, Mr. Kayalam Paramesvaran Pillai, opposes the motion mainly on the ground that we pay court fee in Travancore on the market value of the properties involved in litigation. That is partially true. But in many suits, no question of market value enters; and therefore it would not hold good with respect to money suits which are on the increase. With respect to immovable property or movable property involved in suits, the money value would be taken into consideration to assess the court fee due. Sir, probably

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the fall in the value of the property would affect the court fee payable upon the suit or appeal as the case may be. It is not, however, a correct statement to say that, in all cases, the fall in the price of articles will come to the rescue of the person who has to pay the court fee. Granting that some proportionate reduction in the court fee would be brought about automatically by the fall in the price of articles and lands, the question remains, Sir, where money may be found. Originally where it was Rs. 10 let it be now Rs. 5. Is a person in a position to find this Rs.5? That is the question. In that respect I may submit there is considerable difficulty and therefore there is much behind the motion that is before the House.

There is yet another aspect of the matter and that is a serious aspect worth pressing here. Formerly suits used to be disposed of within a year or two. The protraction of suits and appeals for inordinate time in courts is a factor which cannot be overlooked. We have got suits now pending for 10 and 15 years in some of the courts; and mind what it means to an ordinary litigant. An adjournment of the case means Rs. 10 or Rs. 15 because processes have to be taken out for the attendance of witnesses again. Witnesses when they appear are not examined. Thus another adjournment is necessitated and the client has to find money: so much so gradually this system of protraction in courts exhausts the resources of the client and when there is practically no evidence, the presiding officer takes up the case and disposes of the same as if the parties were at fault and then the chapter closes. Great inconvenience is found in almost all the courts on account of the difficulty in disposing of cases as early as possible. That is what leads to evils arising out of the delays in the administration of justice.

But does the Government care a fig for such delays, I ask. Three or four years ago a learned commissioner was appointed to go into the question. He made a report and it is now a shuttle-cock between the Government and the High Court. The Government have not yet finished considering the recommendations and what exactly is needed by the recommendations. So, I beg to submit, that so long as such pendency of cases is tolerated, the poor litigant is hard put to it. It is for the purpose of paying the judicial officers the court fee revenue is collected. Sir, let them suffer let them understand that there is some voice in the State to tell them that, if they are not prepared to dispose of cases as promptly as possible, they would have to suffer by a reduction of their salaries. Let it hit somewhere.

Let the whole department suffer. It is only by a reduction of court fees that we can put pressure upon the department and make it alive to the seriousness of the situation. The tantalising of litigants in this fashion I say, Sir, is a serious matter.

**MR. A. THANU PILLAI** (*Trivandrum—Rural*): May I know whether by the reduction of court fees the pensions of judges who recently retired would also suffer?

**DEPUTY PRESIDENT**: That question does not arise at present. Mr. Thanu Pillai did not mean it seriously.

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**MR. P. K. NARAYANA PILLAI** (*Ambalapuzha I*): So long as the Chair has not admitted the question, I do not care a jot about it.

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): I am in entire agreement with the principles underlying the resolution moved by Mr. Kamath. Our ideal ought to be good justice and speedy justice With regard to the question of speedy justice, Mr. P. K. Narayana Pillai has spoken in detail. Sir, my point is that it is not not at all proper on the part of our Government or for that matter any Government, to make a profit out of this important function namely, administration of justice. Well, Sir, the figures will show that our Government are making a huge profit out of the administration of justice. (*Hear, hear*). I simply refer to page 37 of the Annual Report of the administration of Civil Justice for the year 1109. Of course this is what is stated there :—

"The receipts and charges under other heads were Rs. 25,932 and Rs. 64,840 against Rs 28,102 and Rs 60,869 respectively in 1108. The total receipts and charges thus amounted respectively to Rs. 17,55,549 and Rs. 10,49,347 against Rs. 18,82,034 and Rs. 10,21,722 in 1108 and the surplus for the year under report is Rs. 7,06,202 against Rs 8,60,312 1108 and Rs 7,26,793 in 1107".

So that, in the year 1109 after taking into account all the receipts and after meeting all the items of expenditure Government made a profit of 7 lakhs of rupees.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Does it include the investment of money for the stationery and other expenses ?

**MR PACODE A. NARAYANA PILLAI** (*Vilavankod*): Certainly.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Does it include the investment of money in Civil Court buildings ?

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): For that, Sir, we have made payments long ago. Sir, the position of Government with regard to this matter of administration of justice is, like the position of the old monkey in the story arbitrating the dispute regarding butter between two cats.

**DEPUTY PRESIDENT**: The position of Government you say is like that of a monkey. You would not say that Government is a monkey.

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): Certainly not.

Then again the figures given by the Law Member with regard to the court fee collections are not quite correct; because we find from the figures that the total amount of court fees and institution fees collected during 1109 comes to only Rs. 7,68,725.

**KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Are there court fees other than institution fees ?

**RAO SAHIB S. PARAMESVARA AIYAR** (*Nominated*): Does the honourable member want the institution fees to be reduced ?

**MR. PACODE A. NARAYANA PILLAI** (*Vilvankod*): Sir, I am concerned only with the court fees which is the subject matter of the resolution.

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**DEPUTY PRESIDENT**: The resolution speaks of court fees, institution fees and so forth.

**MR. K. C. ABRAHAM** (*Kottayam II*): In view of the economic depression, would the member advocate the system of Barristers and Solicitors?

**DEPUTY PRESIDENT**: That does not seem to have much relevancy.

**MR. N. E. VARUGHESE** (*Tiruvalla I*): I support the motion, Sir.

**MR. M. K. JANARDANA KAMATH** (*Commerce and Industry, North*): I press the motion.

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon I*): On a point of order. Has the member got any other chance to speak after pressing the motion? When the Chair asked the mover to speak, he said he had nothing to say. Should not the official member speak now?

**DEPUTY PRESIDENT**: The official member said he was not going to speak. I asked the member to speak and he spoke.

**MR. S. J. NAIR** (*Nedumangad*): Has not the official member waived that right?

**MR. T. KRISHNA PILLAI** (*Neyyattinkara II*): Is there any time-limit for the official member?

**DEPUTY PRESIDENT**: Ordinarily I would not allow the official member to exceed his time-limit.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): I shall first of all deal with the argument advanced by Mr. P. K. Nararyana Pillai. He conceded partly the reasonableness of my position that the amount of court fee now levied is reasonable if the policy of the Court Fee Regulation is reasonable. The policy of the Regulation does not arise in this debate. We have to accept for the purpose of this debate that the policy underlying that Regulation and the policy of the rules relating to the levy of court fees is right. It seems to me therefore that Mr. P. K. Narayana Pillai goes more than half-way to meet my position. He admits that, in regard to immovable property at any rate the amount of court fee has been reduced and that therefore what is demanded by the resolution is already an actual fact. But he says that in regard to money suits the position is different. In regard to money suits there is no question of economic depression. One hundred rupees is today worth one hundred rupees or more than one hundred rupees, though the money value of commodities has fallen. Therefore in regard to money suits, the question of depression does not come in.

**MR. A. THANU PILLAI** (*Trivandrum—Rural*): Sir, the Law Member is repeating what he has already said.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): The only speaker after my speach was Mr. P. K. Narayana Pillai. I must meet his points and I shall not take more than 10 minutes. Sir, I was saying that in regard to money the question of economic depression does not come in. For, the depression does not affect the value of money.

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**MR. P. CHIDAMBARAM PILLAI** (*Commerce and Industry, South*): Sir, what about the scarcity of money?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*); I am just now trying to emphasise that if, say, you have got a bond for Rs. 100, it is today worth exactly Rs 100 or even more and therefore there is no reason in the complaint that a 5 per cent rate is too much for the court fee in money suits. The next question raised by Mr. P. K. Narayana Pillai is where the money is to come from for the purpose of paying court fee. The answer is that the money has come as a matter of fact, we can see that it *has* come.

**MR. K. R. ELENKATH** (*Kalkulam I*): May I know whether it has really come or whether it was not squeezed out of the people?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): In any case there is the money and money has come. But there may be some difficulty for making up the money. That, however, cannot be helped. We have to pay with reference to the claim made in the suit. The difficulty is not, however, very substantial for clearly it has been overcome and the suits have been filed. The figure shows that.

**DEPUTY PRESIDENT**: I must now ask the official member to stop. It is now 3·30 and it is time for the adjournment motion.

**MR. P. K. NARAYANA PILLAI** (*Ambalapuzha I*): May I know whether this motion can be put to vote?

**DEPUTY PRESIDENT**: No; the time has expired.

## ADJOURNMENT MOTION.

**MR. N. K. KRISHNA PILLAI** (*Neyyattinkara I*): Sir, I move for the adjournment of the business of the House to consider a matter of urgent public importance, namely, the serious situation created by the outbreak of malaria in the taluks of Neyyattinkara, Vilavankod and Nedumangad, a second time, and that in a more virulent form.

I do not think it is necessary for me to detail the circumstances under which this epidemic raised its head in these taluks, because that is a matter which has been once discussed in this House at its last session and also in the other House at its last meeting. Sir, the same subject formed the subject-matter of an adjournment motion both in this House and in the Council. I would certainly not have ventured to bring forward this adjournment motion at the fag end of the session, but for the fact that, this time, the epidemic has taken a menacing turn.

During the middle of this year, *i e.*, in Makaram, the inhabitants of about a hundred square miles of our country fell a victim to this disease. Now, it has taken a worse turn just when the Public Health authorities have withdrawn their men from the relief operation centres. On the last occasion, prompt action was taken by the Government

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